

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14612 of William Alfred Nero, pursuant to Paragraph 8207.11 (3107, 11 DCMR) of the Zoning Regulations, for a variance from the maximum lot occupancy requirements (Sub-section 3303.1, 403.2, 11 DCMR) and from the side yard requirements of (Sub-section 3305.1, 405.9, 11 DCMR) to allow an addition to a single family dwelling in an R-1-B District at premises 4123 - 18th Street, N.E., (Square 4192, Lot 33).

HEARING DATE: June 17, 1987  
DECISION DATE: July 1, 1987

FINDINGS OF FACT:

1. The site, known as premises 4123 18th Street, N.E., is located on the east side of 18th Street near its intersection with South Dakota Avenue, between Shepherd and Taylor Streets. The site is located in an R-1-B District.

2. The site is rectangular in shape with a frontage of 18 feet along 18th Street, a depth of approximately 98 feet and a lot area of 1,800 square feet. A 16 foot wide public alley is located to the rear of the site. The site is improved with a two story brick row dwelling occupying 643.5 square feet of the lot area.

3. The site was developed in 1938. On May 12, 1958, the effective date of the current Zoning Regulations, the site became non-conforming. The R-1-B District does not allow row dwellings and requires a minimum lot width of 50 feet and an area of 5,000 square feet.

4. The R-1-B District extends to the north, south, east and west of the site. Both sides of 18th Street, between Taylor and Shepherd Streets are improved with row dwellings and an apartment building. The remainder of the neighborhood is mostly developed with single family detached dwellings. The Washington Hospital for Sick Children is located to the northwest of the site in an R-5-A District.

5. The Applicant is requesting an area variance from the minimum lot occupancy requirements and the side yard requirements of the R-1-B District to allow the construction of a one-story rear addition to his home. The addition will be of brick construction to match the facades of the other houses in the area. The addition will be 18 feet wide

and extend 12 feet to the rear. The addition will not encroach on the required 25 foot rear yard.

6. The variance requested from the side yard requirements is necessary in order to build a functionally feasible handicapped bathroom and bedroom on the first floor. The addition will allow the Applicant, who is handicapped, to live independently on one floor of his home.

7. Compliance with the eight foot side yard requirements would result in an addition two feet in width.

8. Because of its north-south orientation, the addition will not impede the access of sunlight to neighboring property.

9. The Advisory Neighborhood Commissioner for single member District 5A-06 submitted a letter to the record stating his support of the application.

10. Numerous neighbors submitted statements and/or letters to the record in opposition to the application. Reasons for the opposition include concerns that the addition will block light and air to the neighboring properties.

#### CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the Applicant is seeking area variances the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent, purpose and integrity of the zone plan. Sub-section 3303.1 of the Zoning Regulation's allows a lot occupancy of 40 percent, or 706.4 square feet for the site. The proposed addition will result in a lot occupancy of 895.5 square feet (50.71 percent) necessitating a variance of 189.1 square feet (26.77 percent). Sub-section 3305.1 requires a side yard of eight feet for the site. The addition will provide no rear yard necessitating a variance of 100 percent.


The Board concludes that the Applicant has met the burden of proof. The requirements of the R-1-B District are intended to apply to single-family detached dwellings on relatively large lots. The subject lot was subdivided and developed as a row dwelling prior to the effective date of the current Zoning Regulation's. The site is affected by

the unique circumstance of being a row house in a district for single-family dwellings. Thus the site is unusually narrow and small. The Board notes that if the property were located in an R-3 District which permits rowhouses, no variance relief would be required for the proposed addition.

Accordingly, it is hereby ORDERED that the application is GRANTED SUBJECT to the CONDITION that construction shall be in accordance with the plans marked Exhibit No. 10 of the record.

VOTE: 4-0 (Patricia Mathews, Paula J. Jewell, Charles R. Norris and William F. McIntosh to grant; Carrie L. Thornhill not voting not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:   
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER: AUG 26 1987

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



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HEARING DATE: June 17, 1987  
DECISION DATE: July 1, 1987

DISPOSITION: The Board GRANTED the application by a vote of 4-0 (Patricia Mathews, Paula L. Jewell, Charles R. Norris and William F. McIntosh to grant; Carrie L. Thornhill not voting, not having heard the case).

FINAL DATE OF ORDER: August 26, 1987

ORDER

By motion received on September 3, 1987, Katherine Holt, a party in opposition, filed a timely request for reconsideration of the Board's Order of August 26, 1987, granting the subject application. In summary the motion alleges that the Board erred in concluding that there would be no adverse impacts, that the requisite burden of proof had not been met, and further, that the Board failed to give adequate weight to the issues and concerns raised by the opposition. The applicant opposed the motion for reconsideration.

Upon consideration of the motion, the applicant's response thereto, the record in the subject case and its final order, the Board concludes that it has committed no error in deciding the application. The Board concludes that the motion raises no materially different issues nor provides any evidence of a substantive nature that the Board has not previously considered. The Board's decision was based on consideration of all evidence presented by both the applicant and the opposition. The fact that the Board and the opposition came to different conclusions does not make the judgment of the Board arbitrary, capricious or unlawful. Accordingly, the motion for reconsideration is hereby DENIED.

DECISION DATE: October 7, 1987

VOTE: 3-0 (Paula L. Jewell, William F. McIntosh and Charles R. Norris to deny; Patricia Mathews not present, not voting; Carrie L. Thornhill not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER: DEC 2 1987

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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